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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,546	01/15/2004	Shinji Mori	740165-369	3068
25570 7590 02/07/2007 ROBERTS, MLOTKOWSKI & HOBBS P. O. BOX 10064 MCLEAN, VA 22102-8064			EXAMINER HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,546	MORI ET AL.	
	Examiner	Art Unit	
	Scott Haugland	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006 and 28 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 12/21/06 and 12/28/06 have been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed application does not disclose that substantially no portion of the clutch extends beyond an outer edge of the leg plates as recited in claim 19.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 appears to be inaccurate because no other element of the claim or its parent is recited to be such that no portion of the element extends beyond an outer edge of the leg plates (note the word "likewise" on line 2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanada et al (U.S. Pat. No. 4,787,569).

Kanada et al discloses a webbing belt retractor for vehicle use comprising: a frame having a pair of leg plates (20 and a parallel portion of 105 or a parallel portion of 104) facing one another and a back plate integral with the leg plates, a rotatable spool

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22 disposed between the leg plates to which the webbing belt 24 is anchored and around which the webbing belt is wound, a driving mechanism 50, 52, 49 disposed between the leg plates and having an output shaft for rotating the spool in at least a take-up direction, and a clutch 33 disposed between the leg plates, mechanically interposed between the output shaft and the spool, and transmitting rotation of the output shaft to the spool.

With regard to claim 18, Kanada et al discloses an electric motor (col. 5, lines 1-16).

With regard to claim 20, no portion of the driving mechanism extends beyond the leg plate 20 and the leg plate comprising the portion of 104 or 105 parallel to 20 (note Fig. 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada et al (U.S. Pat. No. 4,787,569).

Kanada et al is described above.

Kanada et al does not disclose an endless belt training on peripheral surfaces of the output shaft side gear and the clutch side gear.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Kanada et al with a endless belt trained on peripheral surfaces of an output shaft side gear and a clutch side gear to reduce the cost of the retractor since it is old and well known to transmit drive using gears and an endless belt trained around them and official notice is hereby taken of such.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada et al (U.S. Pat. No. 4,787,569) in view of Rogers, Jr. (U.S. Pat. No. 4,445,604).

Kanada et al is described above.

Kanada et al does not disclose a worm gear in the driving force transmitting mechanism.

Rogers, Jr. teaches transmitting drive from a motor to a clutch in a seat belt mechanism using meshing gears 48, 52. 48 is a worm gear.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Kanada et al with meshing gears including a worm gear between the drive motor and clutch as taught by Rogers, Jr. to provide the required speed reduction with fewer parts, reducing size and cost of the retractor.

Response to Arguments

Applicants' arguments filed 12/21/06 have been fully considered but they are not persuasive.

Applicants argue that Nilsson does not disclose a driving mechanism that can be used repeatedly. However, while there is nothing seen in the device disclosed by Nilsson that would prevent it from being recharged and reused, Kanada et al discloses an electric motor that can, also, be used repeatedly. The output shaft of the driving mechanism in Kanada et al is parallel to the axis of rotation of the webbing belt spool.

Applicants argue that Kanada et al does not disclose or suggest a clutch disposed between a pair of leg plates. However, clutch 33 of Kanada et al is between leg plate 20 and the leg plate comprising the portion of 104 or 105 parallel to 20.

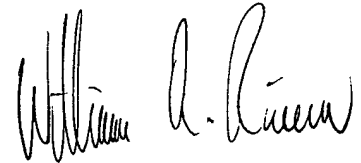
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPH
sjh
2/2/07



WILLIAM A. RIVERA
PRIMARY EXAMINER